

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed November 3, 2004. Applicant respectfully requests reconsideration and favorable action for this Application.

The Examiner issued a Final Action on August 17, 2004. Applicant submitted a Response to Examiner's Final Action on October 18, 2004. The Examiner issued an Advisory Action on November 3, 2004 stating that the Response to Examiner's Final Action had been considered but did not place the application into condition for allowance and would not be entered. Applicant respectfully requests continued examination of this Application in view of the following comments.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Trull. Independent Claim 1 recites ". . . associating entries in the arbitration queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry of the particular one of the plurality of groups; . . .". By contrast, the Trull patent places instructions into a queue without associating them with a group. Support for the above recitation can be found at page 16, lines 24-31, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3 and 5-7 are not anticipated by the Trull patent.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trull in view of Garcia, et al. Independent Claim 1, from which Claim 4 depends, has been shown above to be patentably distinct from the Trull patent. Moreover, the Garcia patent does not include any additional disclosure

combinable with the Trull patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 4 is patentably distinct from the proposed Trull - Garcia, et al. combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trull in view of In re Yount. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the Trull patent. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the Trull patent.

Claims 9-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Trull. Independent Claim 1 recites ". . . associating entries in the arbitration queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry of the particular one of the plurality of groups; . . ." The Examiner readily admits that the Meyers, et al. patent fails to teach a collapsible arbitration queue. The Examiner cites the Trull patent to support a collapsible queue. However, the Trull patent places instructions into a queue without associating them with a group. Support for the above recitation can be found at page 16, lines 24-31, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 9-14 are patentably distinct from the proposed Meyers, et al. - Trull combination.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Trull and further in view of In re Yount. Independent Claim 9, from which Claim 15 depends, has been shown above to be patentably distinct from the proposed Meyers, et al. - Trull combination.

Therefore, Applicant respectfully submits that Claim 15 is patentably distinct from the proposed Meyers, et al. - Trull combination.

Attached herewith is a check in an amount of \$790.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

No additional fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees and/or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", is written over the printed name.

Charles S. Fish

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